

CIVIL DOCKET
UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

Jury demand date:

67-C-25 by def't. 4-5-67
67-C-26 " " "
67-C-24 " " 5-10-67
67-C-26 " " 7-21-67
67-C-23 " " 8-10-67

No. 67-C-22 Daugherty
67-C-23 Barrow
67-C-24 "
67-C-25 "
67-C-26 Barrow
67-C-27 Daugherty
67-C-28 Barrow
67-C-29 "
67-C-30 "

TITLE OF CASE

United States of America,

vs

172.80 Acres of Land, More or Less,
Situate in Rogers County, State of Oklahoma,
and Nora Thomas Nelson, et al.,
and Unknown Owners,

For plaintiff:

John M. Imel, US Atty
Hubert A. Marlow, AUSAtty.
335 U. S. Courthouse
Tulsa, Oklahoma, 74103

67-C-26 H. Tom Kight, Claremore, Okla.

For defendant:

Murdock, Schwabe & Monnett, 67-C-27
405 Mid-Continent Bldg., Tulsa, 74103
Houston, Klein & Davidson, 67-C-28
200 Brew Bldg., Tulsa, Okla., 74103
Wills & Wills, 67-C-29
404 Mid-Continent Bldg., Tulsa, 74103
Gable, Gotwals, Hays, Rubin & Fox
310 Beacon Bldg., Tulsa, 74103
Geo. P. Striplin
Franklin Bldg., Tulsa, Oklahoma 74103
Harvey H. Cody & N. A. Gibson,
c/o Commissioners of the Land Office,
State Capital Bldg., Oklahoma City,
Okla., 73105 6-C-24
H. Tom Kight, Jr., Box 10, Claremore, Ok.
Ted R. Fisher, 200 Law Building,
Tulsa, Oklahoma, 74119

STATISTICAL RECORD

COSTS

DATE

**NAME OR
RECEIPT NO.**

REC.

DISB.

J.S. 5 mailed 3-4-67

Clerk

1-1-70 (28)
11-1-68 (26) 11-1-67 (27)
11-1-68 J.S. 6 mailed 4-1-68 (27)
12-1-68 (29) 8-1-68 (23)
4-1-69 (24) 11-1-68 (25)

Marshal

Basis of Action: Condemnation
of land in connection
with Lock and Dam No. 18
Verdigris River, Okla.

Docket fee

Witness fees

Action arose at:

Rogers County

Depositions.

1966 DATE	PROCEEDINGS	Date Order or Judgment Noted
2-3-67	Complaint, filed. e	
2-3-67	Declaration of Taking, filed.	
2-3-67	Notice to Respondents, filed.	
2-3-67	Motion for order for delivery of possession, filed. e	
2-14-67	Order for delivery of possession as to Civil Action 67-C-22 and Civil Action No. 67-C-27, filed. (FD) ds	
2-14-67	Order for delivery of possession as to Civil Action No. 67-C-26, filed. (LB-J) ds	
2-14-67	Order for delivery of possession as to Civil Action Nos. 67-C-23, 24, 25, 28, 29 and 30, filed. (AEB-J) ds	
2-24-67	Answer of Dennis C. Murdock, et al., 67-C-27, filed. e	
3-2-67	Returns on service of writs, filed: served Area Director, Muskogee on 2-23-67 and State of Oklahoma ex rel Okla. Tax Commission at Okla. City, on 2-24-67, in 67-C-22; served Area Director, Muskogee, on 2-23-67 and State of Okla. ex rel Okla. Tax Commission at Okla. City, on 2-24-67, in 67-C-23; served Area Director, Muskogee, on 2-23-67, Commissioners of Land Office, and State of Oklahoma, ex rel Okla. Tax Commission at O.A., on 2-24-67, in 67-C-24; served Area Director, Muskogee, on 2-23-67, Federal Land Bank of Wichita, Wichita, Kansas, and State of Oklahoma, ex rel Tax Commission, O.C., on 2-24-67, in 67-C-25; served Area Director, Muskogee, on 2-23-67, Federal Land Bank of Wichita, Kansas and State of Okla. ex rel Tax Commission, O.C., on 2-24-67, in 67-C-26; served Area Director, Muskogee on 2-23-67; State of Okla. ex rel Tax Commission on 2-24-67, and Rockwile, Inc. and L. B. Jackson Co., Tulsa, on 3-1-67, all in 67-C-27; served Area Director, Muskogee, 2-23-67 and State of Okla. ex rel Tax Commission on 2-24-67, in 67-C-28; served Area Director, Muskogee, 2-23-67, State of Okla. ex rel Tax Commission, O.C. on 2-24-67, C. H. Wright, Tulsa, on 3-1-67, all in 67-C-29; served Area Director, Muskogee, 2-23-67 and State of Okla. ex rel Tax Commission, O.C., on 2-24-67, in 67-C-30. g	
3-8-67	Return on service of writ (67-C-22) filed, served Nora Thomas Nelson personally at Tulsa, Okla. on 3-7-67; served Katy Thomas Smith at Strang, Okla., on 3-4-67; Madel Thomas Not found in NDO. b	
3-8-67	Return on service of writ (67-C-28) filed, served Lewis W. Grant, Jr., and Mary Grant on 3-7-67 at Tulsa, Okla. b	
3-8-67	Return on service of writ (67-C-30) filed, served Leo A. West and Rose Marie West at Tulsa, Okla., on 3-7-67. b	
3-9-67	Return on service of writ (67-C-27) filed, served Wm. S. Bailey, Jr., at Tulsa, Okla. on 3-8-67. b	
3-10-67	Return on service of writ (67-C-27) filed, served Dennis C. Murdock and Helen Louise Murdock at Tulsa on 3-10-67. b	
3-10-67	Return on service of writ (67-C-28) filed, served Ruth G. Kistler Hardman, executrix of the estate of W. L. Kistler, Jr., deceased; John G. Kistler, a minor; J. Philip Kistler; W. L. Kistler, III and Ruth G. Kistler, now Hardman, on 3-10-67 at Tulsa, Okla. b	
3-16-67	Appearance of C. H. Wright and waiver of objections and defenses to condemnation, 67-C-29, filed. e	
3-20-67	Return on non-service of writ, filed (67-3-22), Thomas Johnson not found at Buena Park, California. g	
3-20-67	Return on service of writ, filed (67-3-30) served Prudential Insurance and Co. of America at Newark, N. J., on 2-28-67. g	
3-20-67	Return on service of writs filed: Served Bill Thomas at Catoosa, Oklahoma, on 3-18-67 and County Assessor, County Treasurer & Bd. of County Commissioners, of Rogers County, Oklahoma on 3-7-67, at Claremore, Oklahoma, in 67-C-22.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-20-67	Return on service of writs filed: Served Frank Osborn & Hazel Osburn, at Inola, Oklahoma on 3-7-67, and Count Assessor, County Treasurer & Bd. of County Commissioners, Rogers County, Oklahoma on 3-7-67 at Claremore, Oklahoma, in 67-C-23; Served Rogers County Assessor, Treasurer and Board of County Commissioners, on 3-7-67 at Claremore, Oklahoma; Served James D. Koenig and Leleta C. Koenig at Inola, Oklahoma on 3-18-67 and Rogers County Assessor, Treasurer & Bd. of County Commissioners at Claremore, Oklahoma on 3-7-67, in 67-C-25; and 67-C-26; Served Rogers County Assessor, Treasurer & Bd. of Commissioners at Claremore, Okla. on 3-7-67 and Raymond Gillum at Inola, Oklahoma on 3-18-67 in 67-C-27; Served Rogers County Assessor, Treasurer & Bd. of County Commissioner on 3-7-67 at Claremore, Oklahoma in 67-C-28; Served Charley Meyer at Catoosa, Oklahoma on 3-7-67 and Rogers County Assessor, Treasurer & Bd of County Commissioner at Claremore, Oklahoma on 3-7-67, in 67-C-29, Served Allen D. West and Joyce West on 3-7-67, at Catoosa, Oklahoma, and Rogers County Assessor, Treasurer & Bd. of County Commissioners at Claremore, Oklahoma on 3-7-67. h	
3-20-67	Motion of James D. Koenig, et al to disburse funds in the sum of \$10,114.00 as to Civil 67-C-25, filed, with demand for jury, filed. b	
3-20-67	Motion of James D. Koenig, et al., to disburse funds in the sum of \$15,767 as to Civil 67-C-26, filed, with demand for jury, filed. b	
3-22-67	Answer of Allen D. West, Joyce W. West, Leo A. West and Rose Marie West, Tract No. 414, 67-C-30, filed. g	
3-23-67	Application for extension of time to plead filed. (67-C-23)	
2-23-67	Order of extension of time filed. It is ordered that the defendants Frank Osborn and Hazel Osborn are given 15 days additional time which to plead or answer or that is given until 4-10-67. (67-C-23; Tr.132)(NCH)h	
3-27-67	Claim of Prudential Insurance Co., 67-C-30, Tract 414, filed. e	
3-31-67	Ordered by the Court that this case is set for pre-trial as to Civil No. 67-C-26, James D. Koenig, owner, on Monday, April 17, 1967 at 1:30 P. M. (Luther Bohanon - Judge) b	
4-5-67	Demand for jury trial filed by James D. Koenig, et al., 67-C-25. e	
4-5-67	Demand for jury trial filed by James D. Koenig, et al., 67-C-26. e	
4-5-67	Return on service of writ, filed (67-C-22) served Mabel Thomas on 3-22-67 at Lakewood, California. b	
4-17-67	Ordered by the Court that this case (67-C-26) is passed until 1:30 P. M., Tuesday, April 18, 1967 for pre-trial, owner James D. Koenig. (Luther Bohanon - Judge) b	
4-18-67	Ordered by the Court that this case (67-C-26) is stricken from the pre-trial assignment of this date on application of the land owner. (Luther Bohanon - Judge) b	
4-18-67	Order of distribution as to Tract No. 212, filed. (Civil 67-C-26)h(IB-J)h	
4-20-67	Order of distribution as to Tract No. 327, Civil 67-C-27, filed. (FD-J) e	
4-20-67	Return on service of writ, filed - served Lester J. Brooks and Louise L. Brooks on 4-17-67 at Tulsa, Okla. (Civil 67-C-24), filed. b	
4-21-67	Separate answer of the Commissioners of the Land Office of the State of Oklahoma, 67-C-24, Tract 136, filed. e	
4-28-67	Request of Lester J. Brooks and Louisa Brooks for payment of Funds on deposit, as to Tract No. 136, filed. ds	
4-28-67	Order of distribution of funds as to Tract No. 136, Lester J. Brooks, et al. (67-C-24) filed. (Allen E. Barrow - Judge) b	
5-10-67	Order granting leave to file answer, filed. e (AEB-J) e	
5-10-67	Separate answer of defendants, Lester J. Brooks and Louisa Brooks, and request for jury trial, 67-C-24, Tract No. 136, filed. d	

(Continued on Page No. 4, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-12-67	Ordered by the Court that this case (67-C-27, Dennis C. Murdock) is set for pre-trial on Wednesday, May 31, 1967 at 10:30 A. M. (Fred Daugherty - Judge) b	
5-31-67	Pre-trial hearing held as to (67-C-27, Dennis Murdock), parties are granted 30 days to decide on a commission hearing and the plaintiff is to prepare pre-trial order. (Fred Daugherty - Judge) b	
6-5-67	Order of distribution as to Tract No. 207, filed. ds (AEB-J)	
6-12-67	Ordered by the Court that this case (67-C-26, James D. Koenig) is set for pre-trial on Tuesday, June 27, 1967 at 9:30 A. M. (Luther Bohanon-J)	
6-16-67	Pre-trial order as to Tract No. 327, 67-C-27, filed. (FD-J) ds	
6-27-67	Pre-trial hearing held as to (67-C-26, James D. Koenig, owner), jury trial granted, plaintiff directed to prepare pre-trial order, appraisers reports to be exchanged and case to be set on the next jury docket. (Luther Bohanon - Judge) (FS-CSR) b	
7-11-67	Return on service of writ, filed. Served Bill Bush at Catoosa, Okla, on 7-7-67. \$10.80. ds (67-C-28)	
7-21-67	Pretrial order, as to Tract No. 212, Case 67-c-26, James D. Koenig, et al, filed. Jury trial requested. (LB-J) ds	
7-27-67	Application of L. W. Grant, Jr., et al., for disbursement of condemnation award (67-C-28), filed. b	
7-27-67	Application of Ruth G. Kistler, et al., for disbursement of condemnation award (67-C-28), filed. b	
8-7-67	Order (as to 67-C-27, Tract No. 327, Dennis Murdock) filed, appointing T. Austin Gavin, Frank W. Lewis and Eddie King, commissioners. (Fred Daugherty - Judge) copies mailed to counsel and commrs. b	
8-7-67	Instructions to Commissioners(as to 67-C-27, Tract No. 327, Dennis Murdock) filed. (Fred Daugherty-Judge) Copies mailed to counsel and commissioners. b	
8-7-67	Order of distribution as to 67-C-28, filed. (AEB-J) e	
8-7-67	Order of distribution as to 67-C-28, filed. (AEB-J) e	
8-10-67	Request of Frank & Hazel Osborn for jury, No. 67-C-23, filed. e	
8-25-67	Motion to disburse funds in Tract No. 132, filed. ds	
8-25-67	Order of distribution in Tract No. 132, Case No. 67-C-23, filed. (AEB-J) ds	
8-28-67	Oath of office of Commissioners, 67-C-27 Tr. 327, filed. e	
9-6-67	Claim of commissioners as to Tr.327.(67-C-27) h	
9-6-67	Report of commission filed as to Tr. 327.(67-C-27)h	
9-15-67	Ordered by the Court that this case (67-C-26-James D. Koenig) is set for jury trial on Friday, October 27, 1967 at 9:30 A. M. (Luther Bohanon - Judge) b	
9-26-67	Motion of L. W. Grant, Jr., et al., for hearing on objection to taking and amount of award, with objection and notice attached, as to (67-C-28) filed. b	
9-26-67	Brief of L. W. Grant, Jr., et al., in support of motion for hearing on objection to taking and amount of award as to (67-C-28), filed.b	
10-3-67	Certificate for service by publication as to Tract No. 125 (67-C-22) filed. b	
10-10-67	Judgment of 10-9-67 as to Tract No. 327 (67-C-27) confirming the report of commissioners of 9-6-67. (Fred Daugherty - Judge) b	
10-20-67	Ordered by the Court that this case (67-C-26, James D. Koenig, owner) is stricken from the jury trial assignment of October 27, 1967; and the case is assigned back to Honorable Allen E. Barrow-Judge.(Luther Bohanon-Judge.)	

(Continued on Page No. 5, Sheet No. 3)

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-7-67	Certificate of publication and mailing in case No. 22, Tract No. 125, filed. ds	
11-8-67	Order for payment to commissioners, filed. 67-C-27, Tract No. 327. (FD-J) ds	
1-26-68	Application of Allen D. West, et al., for withdrawal of estimated compensation, 67-C-30, Tract No. 414, filed. e	
1-26-68	Order for disbursement of estimated compensation deposit as to Tract No. 414, Civil No. 67-C-30 to Allen D. West, et al., filed. b	
1-30-68	Findings of Fact and Conclusions of Law, submitted by plaintiff, filed. b	
1-30-68	Ordered by the Court that this case, Tract 125 (67-C-22) is set for pre-trial on Tuesday, February 6, 1968 at 9:00 A. M. (Fred Daugherty - Judge) b	
2-6-68	Pre-trial hearing held as to Tract No. 125 (67-C-22) and Court finds the value to be \$825.00 and plaintiff to prepare the judgment. (Fred Daugherty-Judge) b	
2-8-68	Judgment as to Tract No. 125, filed and entered. (FD-Judge) ds 67-C-22	
3-11-68	Cases 23, 24, 25, 26, 28, 29 and 30 set for pre-trial hearing as to Tract Nos. 132, 136, 207, 212, 402, 407 and 414, on Tuesday, April 9, 1968 at 9:30AM (AEB-J)	
3-26-68	Brief of the United States on defendants' objection to taking as to 67-C-28 Tract No. 402 filed. h	
2-26-68	Objections to taking by Tulsa Fin and Feather Club filed. (67-C-23)h	
4-4-68	Order of distribution filed, as to Tract No. 332, Tulsa Fin and Feather Club. (AEB-J) ds	
4-11-68	Defendant's requested instructions, filed. ds (67-C-29)	
4-9-68	Pre-trial hearing held as to Cases 67-C-23, 24, 25, 26, 28, 29 and 30, Tracts # 132, 136, 207, 212, 402, 407 and 414. Demand for jury trial filed in all tracts but 67-C-29, Tr. 407, and they request commission hearing. (Allen E. Barrow-Judge)h	
4-16-68	Amended answer of the Commissioners of the Land Office of the State of Oklahoma as to Tract No. 136 (67-C-24), filed. b	
4-24-68	Order denying jury trial and appointing commissioners in 68-C-22, being Tract No. 416, filed. (AEB-J) ds	
4-24-68	Order denying jury trials and appointing commissioners in cases, 67-C-23, 24, 25, 26, 28, 29, & 30, inclusive; Tracts 132, 136, 207, 212, 402, 407 and 414, ds	
6-10-68	Oath of office of Commissioners as to Cases 67-C-23, 24, 25, 26, 28, 29 and 30 inclusive; Tracts No. 132, 136, 207, 212, 402, 407 and 414, filed. b	
6-17-68	Defendant's Requested Instructions (67-C-29) Filed. js	
6-19-68	Instruction to Commissioners in 67-C-23 (Tract 132), 67-C-24 (Tract 136), 67-C-25 (Tract 207), 67-C-26 (Tract 212), 67-C-28 (Tract 402), & 67-C-30 (Tract 414), filed. (AEB-J)w	
7-9-68	Report of Commission as to 67-C-24, Tract No. 136, filed. notices mailed. g	
7-9-68	Stipulation as to just compensation, filed. w	
7-12-68	Judgment as to Case No. 23, Tract No. 132, filed and entered. (AEB-J)w	
7-16-68	Defendant landowners in 67-C-24, Tr. No. 136, are granted 10 days from 7-19-68 in which to file objections to Commissioners' Report. (Allen E. Barrow, Judge)g	
7-18-68	Objections of defendants Lester Brooks and Louisa Brooks to report of commission, filed. w (Case No. 67-C-24, Tract No. 136)	
7-23-68	Brief of condemnees supporting objections and exceptions to proceedings and report of commission, filed. e (67-C-24 Tr. 136).	
7-23-68	Transcript of Commissioners hearing Tract 136, 67-C-24, filed. e	
7-22-68	Defendants L. W. Grant et al., granted permission to withdraw objections to the taking and amount of award, Tract No. 402 67-C-28. (AEB-J)e	

(Continued on Page No. 6, Sheet No. 3)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-24-68	Report of Commissioners as to Tract No. 207 (67-C-25) and Tract No. 212 (67-C-26), filed. b Notices mailed. e	
7-24-68	Report of Commissioners as to Tract No. 414 (67-C-30), filed. b	
7-24-68	Notice of Report of Commissioners 67-C-25 and 67-C-26, mailed. e	
7-26-68	Motion of plaintiff for enlargement of time to file objections to the report of commissioners as to Tract No. 207 (Civil 67-C-25) and Tract No. 212 (Civil 67-C-26), filed. b	
7-26-68	Motion of plaintiff for enlargement of time to file objections to the report of commissioners as to Tract No. 414 (Civil No. 67-C-30), filed. b	
7-26-68	Order granting plaintiff until 8-15-68 to file objections to report of commissioners, (67-C-26, Tract No. 212), filed. (AEB-J)w & 67-C-25(4207)	
7-26-68	Order granting plaintiff until 8-15-68 to file objections to report of commissioners (67-C-30, Tract No. 414), filed. (AEB-J)w	
7-31-68	Defendants Leo A. West and Allen D. West be granted until 8-15-68 in which to file objections (67-C-30) h(AEB-J)h	
8-15-68	Claim of commissioners in Cases 67-C-23, 24, 25, 26 & 30, filed. w	
8-20-68	Order For Payment To Commissioners, filed, js. 67-C-23 (AEB-J)	
8-20-68	Order For Payment To Commissioners, filed, (AEB-J). js 67-C-24	
8-20-68	Order For Payment To Commissioners, filed, (AEB-J). js 67-C-25	
8-20-68	Order For Payment To Commissioners, filed, (AEB-J). js 67-C-26	
8-20-68	Order For Payment To Commissioners, filed, (AEB-J). js 67-C-30	
8-30-68	Brief of plaintiff, United States, filed. ds 67-C-24, Tract No. 136.	
10-11-68	Judgment as per Case No. 67-C-25 as to Tract No. 207, filed & entered (LB-J)xxxjs and No. 67-C-26, Tract No. 212, filed and entered. (LB-J) js	
10-11-68	Judgment as per Case No. 67-C-30 as to Tract No. 414, filed and entered. (LB-J). js	
10-22-68	Stipulation as to Just Compensation as to Tract No. 407 filed. (67-C-29)h	
11-7-68	Judgment as per Case No. 67-C-29 as to Tract No. 407, filed and entered. (AEB-J). js	
11-15-68	Reply Brief of Defendants Brooks, as to Tract No. 136, Case No. 67-C-24, filed. ds	
3-3-69	Order overruling objections to report of commissioners as to Tract No. 136 overruled, adopting and confirming report of commissioners, filed and entered. (AEB-J)g copies sent to counsel.	
7-22-68	Ordered that defendant L. W. Grant, Jr. et al is permitted to withdrawn Objection to taking and amount of award (AEB-J). js	
3-18-69	Judgment as to Tract No. 136, in No. 67-C-24, filed and entered. (AEB-J)g	
12-4-69	Minute Order: Case set for hearing on motion to dismiss (Civil 67-C-28, Tract 402) on Tues. Dec. 9, 1969 at 10:00 A.M. (AEB-J)h	
12-4-69	Motion of L. W. Grant Jr. and Mary Grant to dismiss as to Tr. 402, No. 67-C-28, filed. g	
12-4-69	Brief in support of motion to dismiss as to Tr. 402, filed. g	
12-9-69	Order dismissing cause of action in case No. 67-C-28, Tract No. 402, filed and entered. (AEB-J) ds <i>Cause is Dismissed</i>	
12-9-69	Hearing held on deft's motion to dismiss as to 67-C-28, Tr. 402 and motion is sustained. Order dismissing cause of action signed in open Court. (AEB-J)m	
12-15-69	Stipulation for exclusion of property and revestment of title, filed. ds (Case 67C-28, Tract No. 402)	
4-22-70	Amendment to Declaration of Taking, filed. (67-C-28) b	

(Continued on Page No. 7, Sheet No. 8)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 4

⊕

DATE

PROCEEDINGS

Date Order or
Judgment Noted

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-22-70	Amendment to complaint, filed. b	
4-22-70	Notice of amendment to complaint, filed. b	
4-23-70	Order for delivery of possession, filed. b	
4-29-70	Stipulation as to just compensation in Case No. 67-C-28, Tract No. 402, filed. ds	
5-11-70	Judgment as to Tr. 402, Case No. 67-C-28, filed and entered. (AEB-J)g	

DATE	PROCEEDINGS	Date Order or Judgment Noted